



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yock, P.

Serial No.: 07 / 808,751

Group No.:

Filed: 12/17/91

Examiner:

For: Apparatus For Use In Cannulation Of Blood Vessels

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**STATEMENT BY ATTORNEY THAT APPLICATION FILED IN PTO IS THE
ONE INVENTOR EXECUTED BY SIGNING DECLARATION**

NOTE: This form is to be used when the declaration only indicates the name(s) of the inventor(s) and the title of the invention. Notice of September 12, 1983, 1035 O.G. 3.

I,

Ralph T. Rader

Name of Attorney

400 Renaissance Center

P.O. Address

Detroit, MI 48243-1668

Reg. No. 28,772

Tel. No. (313) 540-0863

state I am the attorney for this application and the application identified above is the application which the inventor(s) executed by signing the declaration which is being submitted herewith.

SIGNATURE OF ATTORNEY Ralph T. Rader

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

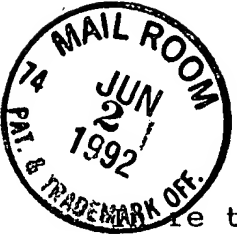
Sallykaye Rahn

(Type or print name of person mailing paper)

Date: 6/2/92

(Signature of person mailing paper)

#5



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the reissue application of)	Reissue of U.S. 4,887,606
)	
PAUL G. YOCK, et al.)	Examiner
)	
For APPARATUS FOR USE IN)	Group Art Unit
CANNULATION OF BLOOD)	
VESSELS)	
)	
Serial No. 07/808,751)	
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COMBINED POWER OF ATTORNEY AND DECLARATION OF ALAN R. SELFRIDGE

The Commissioner
United States Patent
and Trademark Office
Washington, D.C. 20231

Dear Sir:

I, Alan R. Selfridge, deposes and says that:

1. I am an original and a joint inventor in the above described original U.S. Patent 4,887,606 ('606 patent) and the application for the reissue thereof.

2. I have reviewed and understand the contents of the specification, including the claims of the original patent U.S. Patent 4,887,606 ('606 patent).

3. I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with 37 CFR 1.56(a).

4. I believe the original '606 patent to be partly inoperative or invalid because of errors without deceptive intent on the part of the applicants, by reason of the fact that we claimed less than we had the right to claim in the original patent. The specific errors included:

a) The term "trocar" was used in the specification when the correct term should have been "stylet".

b) A brief description of Figs. 5-7 was not given in the original application.

c) In the column 3, line 18, of the '606 patent "this" should have been "the" and "shown in Fig. 5" should have been included after "embodiment".

d) In column 3, line 36, "PZTSA" should have been "PZT5A".

e) In column 3, lines 46 and 47 of the '606 patent "container portion" was used when the correct term should have been "syringe".

f) Claim 1 of the '606 patent was unduly limiting it that it called for a support rod for supporting the transducer and means to attach the transducer to the support rod. As generally described in the specification, the transducer is secured to the end of a transducer insert, i.e. the stylet, not necessarily to a support rod which was the specific embodiment shown in the drawings.

g) In claim 1 of the '606 patent, the metal conductor and the support rod were required to be spaced from the needle to facilitate back flow of blood. However, the specification clearly states that it is the stylet which is spaced from the needle. Additionally, it was not clear the way claim 1 of the '606 patent was structured whether the support rod was to be part of the stylet or an entirely separate element.

h) In claim 1 of the '606 patent, the stylet was required to be positioned within the needle but the needle was not required to have an inner lumen into which the stylet was to be positioned.

i) In claim 6 of the '606 patent, reference was made to a "trocar" when the correct term should have been "stylet".

j) It was not clear from claim 1 of the '606 patent, whether the embodiment shown in Fig. 5 and described in column 3, lines 18-25 of the '606 patent was covered.

k) While the method of using the apparatus was described in the specification of the '606 patent, the method was not claimed.

5. The attorney handling the prosecution of the original application, through error, without deceptive intent, failed to recognize the above described features of the

invention in their broadest sense and the aforesaid errors which had occurred in the specification and claims.

6. I am not sure how the aforesaid errors occurred, but I believe that they occurred during the preparation and prosecution of the application which issued as the original '606 patent.

7. After Advanced Cardiovascular Systems, Inc. (ACS) became the exclusive licensee under the '606 patent in 1990, ACS requested Edward J. Lynch, their counsel, to review the '606 patent.

8. As a result of Mr. Lynch's review, he concluded that the claims of the '606 patent were unduly narrow in certain respects and that certain errors had occurred in the specification, as set out in paragraph 4 above, and that the specification and claims should be corrected by means of a reissue application.

9. During the prosecution of the Japanese application corresponding to the '606 patent, a reference was cited which appeared to be pertinent to the claimed invention of the '606 patent but which had not been considered by the Examiner during the prosecution of the application which led to the '606 patent.

10. It has been recommended to me that this reference found by the Japanese Examiner be considered during the examination of a reissue application based upon the '606 patent.

11. I have reviewed the '606 patent and agree with the assessment that the claims thereof were too narrow and unduly limiting in certain respects, that other errors had occurred in the specification and claims which needed to be corrected and that the pertinent reference found by the examiner in the corresponding Japanese application should be considered by the U.S. Examiner in a reissue application.

12. I have reviewed the Preliminary Amendment containing amendments to claims 1 and 6 of the '606 patent, additions of new claims 7 to 23 and amendments to the specification for my review. A copy of the Preliminary Amendment is attached hereto as Exhibit A.

13. I agree with the assessment that the amended and new claims provide greater protection to our invention than the original claims of the '606 patent. I also agree with the corrections to the specifications and claims made by the Amendment.

As the below named inventor of United States Patent Application 07/808,751 filed December 17, 1991 entitled APPARATUS FOR USE IN CANNULATION OF BLOOD VESSELS, I do hereby revoke any and all past powers of attorneys. Further, I hereby appoint the following as my attorneys of record to prosecute the above identified application in the United States Patent and Trademark Office:

Robert A. Sloman, Registration No. 14,751; Richard D. Grauer, Registration No. 22,388; Raymond E. Scott, Registration No. 22,981; Charles R. Rutherford, Registration No. 18,933; R. Terrance Rader, Registration No. 28,772; Thomas K. Ziegler, Registration No. 27,988; William H. Honaker, Registration No. 31,623; Robert L. Kelly, Registration No. 31,843; Lawrence J. Goffney, Registration No. 33,131; Theodore W. Olds, Registration No. 33,080, Joseph V. Coppola, Registration No. 33,373; John G. Chupa, Registration No. 33,483; Michael D. Fishman, Registration No. 31,951 and Richard A. Kaba, Registration No. 30,562 my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith. Please address all correspondence and telephone calls to:

R. Terrance Rader
DYKEMA GOSSETT
400 Renaissance Center
Detroit, Michigan 48243
(313) 540-0863

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the reissue application or any reissue patent issued thereon.

Date: 5/26/92



Alan R. Selfridge

#5

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the reissue application of)	Reissue of U.S. 4,887,606
)	
PAUL G. YOCK et al.)	Examiner
)	
For)	Group Art Unit
APPARATUS FOR USE IN)	
CANNULATION OF BLOOD)	
VESSELS)	
)	
Serial No. 07/808,751)	
)	
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)	
)	

COMBINED POWER OF ATTORNEY AND DECLARATION OF PAUL G. YOCK

The Commissioner
United States Patent
and Trademark Office
Washington, D.C. 20231

Dear Sir:

I, Paul G. Yock, deposes and says that:

1. I am an original and a joint inventor in the above described original U.S. Patent 4,887,606 ('606 patent) and the application for the reissue thereof.

2. I have reviewed and understand the contents of the specification, including the claims of the original patent U.S. Patent 4,887,606 ('606 patent).

3. I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with 37 CFR 1.56(a).

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10. Mr. Lynch recommended to me that this reference found by the Japanese Examiner be considered during the examination of a reissue application based upon the '606 patent.

11. Upon receiving Mr. Lynch's recommendations, I reviewed the '606 patent and agreed with Mr. Lynch's assessment that the claims thereof were too narrow and unduly limiting in certain respects, that other errors had occurred in the specification and claims which needed to be corrected and that the pertinent reference found by the examiner in the corresponding Japanese application should be considered by the U.S. Examiner in a reissue application.

12. Mr. Lynch, prepared and presented to me a Preliminary Amendment containing amendments to claims 1 and 6 of the '606 patent, additions of new claims 7 to 23 and amendments to the specification for my review. He indicated to me that the new claims were of a broader scope in certain respects than the claims of the issued '606 patent in that the requirement for a support rod had been deleted and would better protect our invention. A copy of the Preliminary Amendment is attached hereto as Exhibit A.

13. I have reviewed the Preliminary Amendment prepared by Mr. Lynch containing the amended and new claims and the corrections to the specification and I agree with his assessment that the amended and new claims provide greater protection to our invention than the original claims of the '606 patent. I also agree with the corrections to the specifications and claims made by the Amendment.

As the below named inventor of United States Patent Application 07/808,751 filed December 17, 1991 entitled

APPARATUS FOR USE IN CANNULATION OF BLOOD VESSELS, I do hereby
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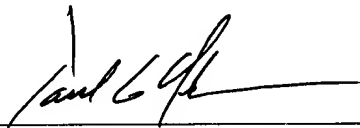
14 Robert A. Sloman, Registration No. 14,751; Richard D.
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Fishman, Registration No. 31,951 and Richard A. Kaba,
Registration No. 30,562 my attorneys to prosecute this
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Trademark Office connected herewith. Please address all
correspondence and telephone calls to:

~~R. Terrance Rader~~
~~DYKEMA GOSSETT~~
~~400 Renaissance Center~~
~~Detroit, Michigan 48243~~
~~(313) 540-0863~~

I hereby declare that all statements made herein of my
own knowledge are true and that all statements made on

information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the reissue application or any reissue patent issued thereon.

Date: 5/1/92



Paul G. Yock